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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/968,208	11/12/1997	RUSSELL HIGUCHI	9397	8271

22896 7590 07/13/2004
MILA KASAN, PATENT DEPT.
APPLIED BIOSYSTEMS
850 LINCOLN CENTRE DRIVE
FOSTER CITY, CA 94404

EXAMINER

SNAY, JEFFREY R

ART UNIT PAPER NUMBER

1743

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	08/968,208	HIGUCHI, RUSSELL	
	Examiner	Art Unit	
	Jeffrey R. Snay	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 24 May 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

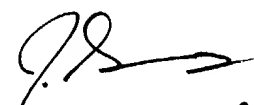
c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The amendment merely cancels dependent claims, without effect upon the scope of the allowed parent claims. Specifically, applicant's assertion in the remarks, filed contemporaneously with the amendment of 05/24/04, assert that the concepts of computer control and/or programmability are implicit in independent claims 30 and 39. However, no such limitations are implicit in the noted independent claims. Under the doctrine of claim differentiation, the recitation of computer control in dependent claims 38 and 47 required that such computer control was not implicit in the parent claims. Cancellation of the dependent claims by applicant's Rule 312 amendment cannot now alter the scope of those independent claims.



Jeffrey R. Snay
Primary Examiner
Art Unit: 1743

7-8-04